

REMARKS

Drawing rejections under 37 CFR 1.84 (e) and (l)

The Office Action objects to the drawings that were faxed to the USPTO on September 29, 2003 under 37 CFR 1.84 (e) and 1.84 (l). Applicant has reviewed the drawings and made any necessary adjustments to ensure that all lines are uniformly thick and well defined, and further reviewed the reference numbers to ensure all reference numbers are the proper height. Therefore, Applicant submits the drawing objection has been overcome and respectfully requests the drawing objection be removed.

Rejection under 35 U.S.C. § 103 (a)

The Office Action rejected all claims 1-20 on the ground of obviousness, under 35 U.S.C. § 103 (a) as being unpatentable over Webb, Sr. in view of Lee, et al and Hackett. Claims 1-20 are now pending in this action.

With respect to claims 1-20 pending in this action, the Office Action generally states that Webb, Sr. discloses a vehicle substantially as claimed. The Office Action further states Webb, Sr. does not disclose a winch and dolly, and four cylinders to lift, but Lee, et al disclose the use of a winch, dolly and rear entrance. In addition, the Action states that Hackett discloses the use of four cylinders and that it would have

been obvious to a mechanic with ordinary skill in the art at the time the invention was made to provide these features to Webb, Sr.

Generally, the present invention set forth in pending claims 1-20 relates to a vehicle having a chassis with a drop deck mounted to the chassis, a vehicle body having a plurality of walls and a ceiling, and a hingedly attached hatch door. The drop deck, vehicle body, and hatch door define a storage compartment that may be used to store a variety of objects, such as snowmobiles and other small vehicles. The drop deck may be raised and lowered by hydraulic cylinders and may be secured in a closed position with a latching device attached to the chassis. The present invention may further include a door on an interior wall of the storage compartment to provide access between the storage compartment and other interior spaces of the vehicle, and may optionally add a winch device, cable and dolly to aid in loading and unloading of the object being stored.

Webb, Sr. discloses an aircraft vehicle having a hinged end section having a conical body, which is moveable to an open position where the body is positioned above an exposed cargo space. A lower deck having a retractable ramp is hinged to the fuselage of the aircraft and also connected to the fuselage through power actuator means to raise and lower the deck.

Hackett discloses a wheelchair transport vehicle having a side loading door and a lifting platform. A door is hingedly attached to the roof of the vehicle and the lifting

platform is raised and lowered by electric motor screw jacks that can be alternatively powered by a hydraulic system.

Lee, et al disclose a device for loading cargo into a vehicle. The device includes a frame member, a winch and a cargo holder and is configured to be removably attached to the inside of a vehicle with latches. The winch is used to aid in loading the cargo holder.

ANALYSIS

In response to the rejection of claims 1-20, Applicant submits respectfully that the Examiner has not set forth a prima facie case of obviousness for these claims.

Independent claims 1 and 19, as previously amended are directed at an inventive structural configuration of a vehicle having a storage compartment to enclose an auxiliary load. Specifically, the vehicle of claim 1, as previously amended, includes a chassis, a drop deck pivotally mounted to the chassis, and a body mounted to the chassis comprising body walls and a ceiling. A hatch is hingedly attached to the body, such that the body walls, ceiling, drop deck and hatch define a storage compartment. The vehicle of claim 19, as previously amended, includes a body mounted to a chassis and a drop deck connected to the chassis configured to be movable from a closed to an open position. The body includes a plurality of body walls and a ceiling. At least one hatch is hingedly connected to the body; and the plurality of walls, drop deck and hatch define a storage compartment. Means are included to raise the drop deck to a closed

position and lower the drop deck to an open position. Means are also provided to secure the drop deck in the closed position.

Applicant respectfully submits that none of the references cited in the Office Action, alone or in combination, disclose or suggest a vehicle having the structural configurations set forth in independent claims 1 and 19, as previously amended. Specifically, independent claim 1, as previously amended, requires a drop deck pivotally mounted to a chassis of the vehicle and a body mounted to the chassis. Likewise, independent claim 19, as previously amended, includes the requirement of a drop deck mounted to a chassis and further includes means to raise the drop deck to a closed position and lower the drop deck to an open position, and means to secure the drop deck in the closed position. None of the prior art references cited disclose these structural elements as set forth in claims 1 and 19 as previously amended.

The deck disclosed in Webb, Sr. is mounted to the fuselage of the aircraft, not to a chassis as is required in claim 1 and claim 19 of the present invention (see page 3, lines 35-45 of Webb, Sr.). Applicant submits that because the deck in Webb, Sr. is mounted to the fuselage and not to the chassis, it involves a significantly different structural configuration than what is required and claimed in claim 1 and claim 19 of the present invention. Both claim 1 and claim 19 of the present invention require the body to be mounted to the chassis and the drop deck to be mounted to the chassis (pivotally mounted in claim 1). This novel mounting of the drop deck to the chassis allows the vehicle to not only maintain structural stability, but also enables the vehicle to bear the

weight of an auxiliary load item, which is an improvement over other configurations. Webb, Sr. attaches its deck directly to the body of the aircraft (fuselage) and therefore does not provide the structural advantages of the present invention, and there is nothing to suggest that attaching the deck to the frame or chassis of the aircraft was contemplated or even possible. Further, an airplane fuselage is a complex and expensive structure. In contrast, the present invention allows for storage of substantially heavy items in a simple and effective design. In addition to the drop deck of the present invention, the other components of the vehicle as claimed, including the hatch and defined interior spaces, also make the present invention nonobvious in light of the cited references.

The additional elements of a dolly, winch and four cylinders noted in the Office Action are not present in independent claims 1 and 19 and are therefore not relevant to the patentability of those claims. Nevertheless, Applicant submits that none of the prior art references cited in the Office Action disclose any suggestion or motivation to combine the teachings in those references. Further, assuming for sake of argument it would be proper to combine Hackett, Lee et al and Webb, Sr., the resulting combination does not meet all the requirements of independent claims 1 and 19, as previously amended or the claims that depend from these claims (2-18 and 20). The deck disclosed in Hackett does not provide the advantages of the drop deck of the present invention. The Hackett reference teaches removing a portion of the vehicle frame and replacing it with a movable floor. Removal of a portion of the frame would severely

weaken the stability of the vehicle structure. As stated previously, the present invention provides a drop deck configured to be mounted to the chassis without loss of structural integrity to the vehicle. In addition, even though Lee, et al disclose a dolly and winch, they do not disclose the inventive combination of using a dolly and winch with the vehicle configuration of the present invention as claimed in independent claims 1 and 19.

Applicant respectfully submits that for the reasons set forth above, Examiner has not met the burden of establishing a *prima facie* case of obviousness as required by the Manual of Patent Examiners (MPEP). The MPEP Section 2142 states the burden for establishing a *prima facie* case of obviousness as follows:

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.”

There is no suggestion or motivation within the prior art of record to combine the references. Furthermore, none of the references, alone or in combination suggest or teach all claim limitations in independent claims 1 and 19, as previously amended.

CONCLUSION

Accordingly, Applicant submits that independent claims 1 and 19, as previously amended, are patentable for the reasons set forth above, as are the claims which

depend from these independent claims (dependent claims 2-18 and 20). Applicant respectfully requests all rejections be withdrawn, and that all claims pending 1-20 be allowed.

The Office Action cites other prior art for showing similar structure. Applicant has reviewed the prior art of record and submits they do not adversely bear on the patentability of the pending claims.

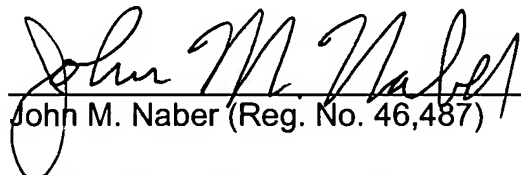
In light of the foregoing, Applicant respectfully submits that each item set forth in the Office Action dated November 4, 2003 has been addressed. Further, Applicant submits that all claims are now in condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by the Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicant's undersigned representative at the number shown below is invited.

Respectfully submitted,

Dated: 5 January 2004

By:


John M. Naber (Reg. No. 46,487)

Foster, Swift, Collins & Smith, P.C.
313 South Washington Square
Lansing, MI 48933
(517) 371-8100 telephone
(517) 371-8200 facsimile